1   MARK D. FOWLER, Bar No. 124235
    mark.fowler@dlapiper.com
2   CLAYTON THOMPSON (Admitted Pro Hac Vice)
    clayton.thompson@dlapiper.com
3   DAVID ALBERTI, Bar No. 220625
    david.alberti@dlapiper.com
4   CHRISTINE K. CORBETT, Bar No. 209128
    christine.corbett@dlapiper.com
5   YAKOV M. ZOLOTOREV, Bar No. 224260
    yakov.zolotorev@dlapiper.com
6   CARRIE L. WILLIAMSON, Bar No. 230873
    carrie.williamson@dlapiper.com
7
    DLA PIPER LLP (US)
8   2000 University Avenue
    East Palo Alto, CA 94303-2214
9   Tel: 650.833.2000
    Fax: 650.833.2001
10
    Attorneys for Defendant and Counterplaintiff
11 Sun Microsystems, Inc.

12

13   UNITED STATES DISTRICT COURT

14   NORTHERN DISTRICT OF CALIFORNIA

15   SAN FRANCISCO DIVISION

16   NETWORK APPLIANCE, INC., | CASE NO. C-07-06053 EDL

17   Plaintiff-Counterdefendant, | [PROPOSED] ADDENDUM TO
                                              | PROTECTIVE ORDER
18   v. |

19   SUN MICROSYSTEMS, INC., |

20

21   Defendant-Counterplaintiff |

22   Plaintiff-Counterdefendant NetApp, Inc. ("NetApp") and Defendant-Counterplaintiff

23   Oracle America, Inc. (formerly Sun Microsystems, Inc.), by and through their respective counsel,

24   hereby stipulate that the First Amended Protective Order entered by the Court on February 20,

25   2008 in this action shall be amended as follows:

26   (1)   The last sentence of Paragraph 11(d) which states: "These copies shall be stored in

27   a manner that prevents duplication of or unauthorized access to the source code, including,

28

1 without limitation, storing the source code in a locked room or cabinet at all times when it is not

2 in use, and shall be returned to the Producing Party at the conclusion of this action" shall be

3 changed to "These copies shall be stored in a manner that prevents duplication of or unauthorized

4 access to the source code, including, without limitation, storing the source code in a locked room

5 or cabinet at all times when it is not in use, and shall be destroyed by the Receiving Party at the

6 conclusion of this action and the Receiving Party shall so certify this destruction. "

7   (2)   The last two sentences of Paragraph 26 which state: "Notwithstanding this

8 provision, counsel for the party or parties are entitled to retain an archival copy of all pleadings,

9 motion papers, transcripts, legal memoranda, correspondence or attorney work product, even if

10 such materials contain Protected Material. Any such archival copies that contain or constitute

11 Protected Material remain subject to the Protective Order." shall be deleted.
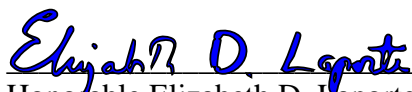
12

13   IT IS SO STIPULATED.

14

15 Dated: September 10, 2010   Dated: September 10, 2010

16

17 By___/s/ Christine K. Corbett_____   By___/s/ Jeffrey G. Homrig_____
      MARK D. FOWLER   MATT POWERS
18   CLAYTON THOMPSON   EDWARD R. REINES
      DAVID ALBERTI   JEFFREY G. HOMRIG
19   CHRISTINE K. CORBETT   JILL J. HO
      CARRIE L. WILLIAMSON   WEIL, GOTSHAL & MANGES LLP
20   Attorneys for Plaintiff and   Attorneys for Defendant and
21   Counterdefendant, Oracle America, Inc.   Counterplaintiff, NetApp, Inc.

22

23

24   So ORDERED AND SIGNED this _15th_ day of September, 2010.

25

26   _Elijah D. Laporte_____
           Honorable Elizabeth D. Laporte
27   United States Magistrate Judge

28

                                    2